
By: **Senator Astle**
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Assigned to: Rules
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Committee Report: Favorable with amendments
Senate action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Advisory Committee on Home-Based Health Care Services**

3 FOR the purpose of establishing an Advisory Committee on Home-Based Health
4 Care Services in the Department of Health and Mental Hygiene; requiring the
5 Advisory Committee to conduct a certain study and report to the Secretary of
6 Health and Mental Hygiene by a certain date; requiring the Secretary to report
7 its recommendations by a certain date; and generally relating to the
8 establishment of an Advisory Committee on Home-Based Health Care Services.

9 **Preamble**

10 WHEREAS, The health care delivery system has changed significantly from
11 institutional to home-based care; and

12 WHEREAS, The level of services provided in the home is frequently medically
13 and technologically advanced; and

14 WHEREAS, Current Maryland law for home health agencies, hospices,
15 residential service agencies, home medical equipment providers, IV therapy services,
16 and nurse staff agencies is outdated, fragmented, and inconsistent; and

17 WHEREAS, Oversight and inspections of home-based services are uneven and,
18 in some cases, nonexistent; and

19 WHEREAS, A 1997 United States General Accounting Office report found that
20 the Medicare survey and certification process provides "little assurance that the home
21 health agency is providing or is capable of providing quality care"; and

1 WHEREAS, Salaries and wages for home care workers are typically low, and
2 eligibility for benefits such as Social Security, workers' compensation, and
3 unemployment insurance is uncertain; now, therefore,

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That:

6 (a) The Secretary of Health and Mental Hygiene shall establish an Advisory
7 Committee on Home-Based Health Care Services.

8 (b) The purpose of the Advisory Committee is to:

9 (1) Study the current statutory framework for regulating and overseeing
10 the quality of home-based health care and ~~to~~ recommend whether oversight should
11 be strengthened, streamlined, reduced, or eliminated; and

12 (2) Examine employment issues relating to liability for paying benefits
13 such as Social Security, workers' compensation, and unemployment insurance.

14 (c) The Advisory Committee shall include representation from the following
15 agencies, organizations, and industries:

16 (1) The Department of Health and Mental Hygiene;

17 (2) The Department of Labor, Licensing, and Regulation;

18 (3) The Office on Aging;

19 (4) Hospice care;

20 (5) Home health care;

21 (6) Residential service agencies;

22 (7) Nurse registries;

23 (8) The State Board of Nursing;

24 (9) The State Board of Pharmacy; and

25 (10) Other relevant organizations and industries.

26 (d) The Department of Health and Mental Hygiene shall provide staff support
27 for the Advisory Committee.

28 (e) On or before December 1, 1998, the Advisory Committee shall report its
29 findings and recommendations to the Secretary.

30 (f) On or before December 31, 1998, the Secretary, in accordance with §
31 2-1246 of the State Government Article, shall report the recommendations of the
32 Department, including proposed statutory changes based on the report of the

1 Advisory Committee, to the Senate Finance Committee, the House Economic Matters
2 Committee, the House Environmental Matters Committee, and the General
3 Assembly.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 June 1, 1998.